



MINUTES

CITY COUNCIL MEETING

MAY 10, 2005

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:34 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ADDLEMAN.

PLEDGE OF ALLEGIANCE

MAYOR ADDLEMAN led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

City Staff Present: City Manager Doug Prichard
Assistant City Attorney Stephen Pfahler
Assistant City Manager Sam Wise
Planning Director David Wahba
Community Services Director Andy Clark
Administrative Analyst Greg Grammer

Others Present: Lou Persichina, Park and Activities Commission
Judy Bayer, Planning Commission

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF APRIL 26, 2005

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO APPROVE THE CITY COUNCIL MINUTES OF APRIL 26, 2005 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

B. DEMANDS AND WARRANTS – APRIL AND MAY

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE WARRANTS 37355 THROUGH 37398 IN THE AMOUNT OF \$61,003.63;
SUPPLEMENTAL WARRANTS 040105 THROUGH 040205; 37072 VOID; 37195 THROUGH 37206;

37275 THROUGH 37288; 37344 THROUGH 37345 IN THE AMOUNT OF \$178,680.65 FOR A GRAND TOTAL AMOUNT OF \$239,684.28 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman
CONSENT CALENDAR

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO APPROVE ITEMS A-F.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

B. QUARTERLY CODE ENFORCEMENT REPORT

RECEIVED AND FILED.

C. DECLARATION OF SURPLUS PROPERTY

DECLARED THE 1990 FORD ECONOLINE F-350 VAN AS SURPLUS CITY PROPERTY AND DIRECTED STAFF TO SELL THE VAN THROUGH THE COMPETITIVE BID PROCESS.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED APRIL 22, 2005

RECEIVED AND FILED.

E. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED APRIL 29, 2005

RECEIVED AND FILED.

F. MARCH 2005 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

A. WASTE MANAGEMENT UPDATE

Susan Moulton, West Region, Waste Management, provided an update on how the refuse collection is progressing. She read into the record a letter from Steve Tucker, explaining the missteps and what has been done to correct them, which included additional collection vehicles, cart deliveries, and proper use of automated carts. She asked the COUNCIL to forward any comments to her and she will address them.

MAYOR ADDLEMAN stated he was encouraged by residents ordering additional carts.

Ms. Moulton referred to a flier they would like to distribute to residents again explaining the program and requested the COUNCIL review this for final approval as the deadline for distribution is set for the following Monday.

COUNCILMAN ZERUNYAN noted that a few neighborhoods' trash was not picked up, but did commend Waste Management on collecting the recyclables and greenwaste by 8:00 a.m. on the previous Wednesday. He then suggested the trash be picked up first due to health and safety concerns as well as odor emanating from the cans.

Mike Grimm, noted that this transition has been a challenge, but that it is now under control. He noted that they are delivering additional carts on Saturdays as well as collection days.

In response to COUNCILMAN ZERUNYAN, he indicated that trash collection could easily be picked up first, and they could begin the new pattern beginning the next pick-up day.

MAYOR ADDLEMAN reiterated that it is very important to have the trash collection completed by 5:00 p.m. and noted street sweeping issues that must be taken into consideration. He stated that Waste Management has hired additional operators to assist in picking up the trash in a timely manner.

After brief discussion, it was noted to mail the fliers out as soon as possible.

MAYOR ADDLEMAN inquired as to coordinating the trash collection on Browndeer as there are border issues with Rancho Palos Verdes. He suggested this item be considered by the Refuse Franchise Subcommittee in order to discuss how these residents can be accommodated properly.

MAYOR PRO TEM ZUCKERMAN noted that a few streets are shared by the City and Rancho Palos Verdes, and as their collection days differ, they should discuss how to reduce traffic as quickly as possible. He stated that Rancho Palos Verdes' residents are extremely desirous to have this matter addressed and that it is only fair to assist these neighboring residents.

It was the consensus of the COUNCIL to refer this matter to the Subcommittee.

At 7:52 p.m., the CITY COUNCIL convened into closed session.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Government Code Section 54956.9(a))

WALLACE V. CITY OF ROLLING HILLS ESTATES

NO ACTION WAS TAKEN.

At 8:25 p.m. the COUNCIL reconvened with MAYOR ADDLEMAN, MAYOR PRO TEM ZUCKERMAN, COUNCILWOMAN MITCHELL, COUNCILWOMAN SEAMANS, and COUNCILMAN ZERUNYAN present.

PUBLIC HEARINGS/MEETINGS

A. CONTINUED PUBLIC HEARING - PLANNING APPLICATION NO. 18-05 – AMENDMENT TO THE ROOFING ORDINANCE (SECTIONS 15.04.050 AND 15.04.080 OF THE ROLLING HILLS ESTATES MUNICIPAL CODE); LOCATION: CITY-WIDE

No additional testimony was offered.

1. ORDINANCE NO. 630 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING THE ROLLING HILLS ESTATES MUNICIPAL CODE SECTIONS 15.04.050 AND 15.04.080 REGULATING THE USE OF ASPHALT SHINGLES CITY-WIDE.

MAYOR PRO TEM ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC HEARING AND ADOPT ORDINANCE NO. 630.

City Manager Prichard read Ordinance No. 630 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. APPEAL OF PARK AND ACTIVITIES COMMISSION'S DECISION TO REQUIRE TREES REMOVED FROM CITY'S RIGHT-OF-WAY

Recommendation: That the City Council require Mr. Linares to remove seven (7) of the eleven (11) trees and irrigation system under the listed conditions.

Community Services Director Clark provided a staff report (as per agenda material).

In response to MAYOR PRO TEM ZUCKERMAN'S inquiry, Community Services Director Clark noted that the final cost includes removal and replanting of the trees.

MAYOR PRO TEM ZUCKERMAN inquired if the stump removals will be properly inspected in order to ensure that this work is done to the City's satisfaction. Community Services Director Clark indicated that this will be included in the request for removal.

For the record, MAYOR ADDLEMAN wished to clarify that in 2004, the Park and Activities Commission Minutes stated that "Mr. Linares indicated he was not stating that the Planning Director gave him approval..." to plant in the right-of-way.

Planning Director Wahba noted that he advised Mr. Linares that specific procedures must be followed in processing right-of-way issues, and that he had referred him to the Community Services Director.

Mr. Linares addressed the COUNCIL commenting that he was told there were no procedures requiring him to ask for approval to plant in the City's right-of-way. However, he did acknowledge that the City does not encourage this and reiterated that his trees are not causing a problem. He requested the COUNCIL allow them to remain.

COUNCILWOMAN SEAMANS noted that she visited the site again and stated there were many small trees. She believed this would be a simple task to remove them and treat the stumps. Additionally, she stated that it was not her desire to take action against Mr. Linares, but just have the Maintenance Department remove those trees and finally end this situation.

COUNCILWOMAN MITCHELL commented that Mr. Linares noted he would maintain the trees as they were planted for his personal privacy, but reminded the COUNCIL that Palos Verdes Drive North is a scenic corridor with properly spaced pepper trees. She also noted that Mr. Linares' trees are out of sync with the rest of the drive and did not believe him when he indicated he was not informed of the City's procedures. She then stated she supported staff's recommendation.

COUNCILMAN ZERUNYAN reiterated his strong position to remove and replant the trees in question. He noted that he would not support cutting down the trees, but rather wished to have them removed and replanted. It was his recommendation to have the case prosecuted for encroachment into the City's right-of-way.

MAYOR PRO TEM ZUCKERMAN concurred with most of COUNCILMAN ZERUNYAN'S comments although he stated these trees look like they were planted to function as more of a hedge rather than free-standing trees. He noted that Mr. Linares misstated the purpose and function of the landscape bond in his previous testimony. He then commented that the action Mr. Linares has taken warrants a punitive decision, but concurred with COUNCILWOMAN SEAMANS in avoiding any legal steps to be taken. He went on to state that it would be appropriate to remove some of the trees and leave the others to grow strong.

MAYOR PRO TEM ZUCKERMAN noted that he would not object to Mr. Linares removing the trees himself as long as the City undertakes final inspection.

After summarizing the various points in this matter, MAYOR ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC MEETING AND DIRECT STAFF TO: 1) REMOVE THE IRRIGATION SYSTEM, AND REMOVE SEVEN (7) TREES, INCLUDING STUMPS, AT A COST OF \$467 PER TREE TO BE BILLED TO MR. LINARES; AND 2) PROVIDE ALL FUTURE MAINTENANCE OF THE REMAINING CALIFORNIA PEPPER TREES IN THE RIGHT-OF-WAY IN FRONT OF 4609 PALOS VERDES DRIVE NORTH.

AYES: Addleman, Mitchell, Seamans, Zuckerman
NOES: Zerunyan

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF MAY 2, 2005

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF MAY 2, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF MAY 3, 2005

COUNCILWOMAN MITCHELL seconded by COUNCILMAN ZERUNYAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION OF MAY 3, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. MAYOR PRO TEM ZUCKERMAN informed the public that there has been one incident involving a dead crow and the West Nile Virus in the Mar Vista area. He warned citizens to be cognizant of the following: 1) Beware of standing water as this serves as a breeding ground for mosquitoes; 2) Wear long sleeves, particularly in the early evening; 3) Wear insect repellent; 4) Check window screens; and 5) Keep doors closed.

B. COUNCILWOMAN MITCHELL was pleased to report that she was elected to serve as alternate of Los Angeles County Local Agency Formation Commission (LAFCO).

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. MAYOR ADDLEMAN indicated that he was not available for the Budget Study Session on June 7. Therefore, after brief discussion, it was noted the new date will tentatively be Wednesday, June 8.

B. COUNCILWOMAN SEAMANS requested information on when the utility undergrounding on Crenshaw Boulevard will take place. City Manager Prichard stated that a status report will be brought back to the next meeting.

At 8:54 p.m., the CITY COUNCIL convened into closed session.

CLOSED SESSION (Continued)

B. QUARTERLY CITY MANAGER PERFORMANCE EVALUATION
(Pursuant to Government Code Section 54957)

NO ACTION WAS TAKEN.

At 9:50 p.m. the COUNCIL reconvened with MAYOR ADDLEMAN, MAYOR PRO TEM ZUCKERMAN, COUNCILWOMAN MITCHELL, COUNCILWOMAN SEAMANS, and COUNCILMAN ZERUNYAN present.

ADJOURNMENT TO CITY ATTORNEY INTERVIEWS SCHEDULED FOR MAY 17, 2005 AT 8:00 A.M.
AND IN MEMORY OF JOHN STEGURA, FATHER-IN-LAW OF PLANNING COMMISSIONER LARRY
VANDEN BOS

At 9:50 p.m., MAYOR ADDLEMAN formally adjourned the City Council meeting to May 17, 2005 at 8:00 a.m. in the City Hall Council Chambers.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard
Deputy City Clerk City Clerk

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